



United States Courts for the Ninth Circuit

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NEWS RELEASE

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Ninth Circuit Applauds Judicial Conference Stance on Circuit Split

PHOENIX – Chief Judge Mary M. Schroeder today praised the recent decision of the Judicial Conference of the United States to take no position on whether the Ninth Circuit should be divided into smaller units. The decision is consistent with longstanding Conference policy not to take a position unless asked to do so by the affected judges.

“The Judicial Conference has always given great deference to the views of the affected court and its governing council,” Judge Schroeder said. “We are gratified that the Conference continues to adhere to that practice.

“Our court is overwhelmingly opposed to any split, with only three of our 24 active judges in favor of a restructuring. Likewise, the Judicial Council of the Ninth Circuit, the governing body for federal courts in the West, has long been on record as opposing a split,” she said.

Judge Schroeder added that there also is strong resistance from lawyers representing litigants throughout the West. Within recent months, the state bars of Washington, Montana, Hawaii and Arizona have declared their opposition to any split, she noted. So have dozens of local and federal bar associations.

The Conference action came last week during its semi-annual meeting in Washington, D.C. The national governing body for the federal courts also said the Ninth Circuit split should not be linked to a national judgeship bill, and opposed pending restructuring bills because they did not analyze the additional resources necessary to support additional circuits.

While in Washington for the Conference meeting, Judge Schroeder chaired a meeting of all chief circuit judges and their circuit executives to discuss how the federal courts coped with the devastation of Hurricane Katrina, the 1989 San Francisco earthquake, and the terrorist attacks on Oklahoma City and the World Trade Center. She said she was struck by the image of the circuit executive for the Second Circuit, headquartered in lower Manhattan, hand-carrying computer servers across the Brooklyn Bridge on 9/11 to re-establish communications.

Referring to split legislation, Judge Schroeder said, “With earthquake and terrorist threats like these, our circuit should not also have to deal with the threat of legislative disaster.”

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